

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WINN-DIXIE STORES, INC., et al.

v.

**EASTERN MUSHROOM MARKETING
COOPERATIVE, et al.**

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CIVIL ACTION

No. 15-6480

ORDER

AND NOW this 8th day of **January, 2019**, it is **ORDERED** that the motion for joinder in Certain Defendants’ motion to dismiss by Defendant JM Farms, Inc. (Dkt. No. 75) is **GRANTED**.

It is **FURTHER ORDERED** that the motions to dismiss the complaint of Plaintiffs Winn-Dixie Stores, Inc. and Bi-Lo Holdings, LLC by Defendants: (1) Cardile Mushrooms, Inc. (Dkt. No. 70); (2) M.D. Basciani & Sons, Inc. (Dkt. No. 71); (3) Creekside Mushrooms Ltd. (Dkt. No. 72); and (4) Brownstone Mushroom Farms, Inc., C & C Carriage Mushroom Co., Country Fresh Mushroom Co., Eastern Mushroom Marketing Cooperative, Inc. (“EMMC”), Robert A. Feranto, Jr., Forest Mushroom Inc., Gaspari Bros. Inc., Gino Gaspari & Sons, Inc., Kaolin Mushroom Farms, Inc., Louis M. Marson Jr., Inc., Modern Mushroom Farms, Inc., Monterey Mushrooms, Inc., Oakshire Mushroom Farm, Inc., Phillips Mushroom Farms, Inc., John Pia, Michael Pia, Sher-Rockee Mushroom Farm, South Mill Mushroom Sales, Inc., and To-Jo Fresh Mushrooms, Inc. (Dkt. No. 73), are **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendants’ motions are **GRANTED** to the extent that they seek to dismiss Winn-Dixie Plaintiffs’ claims for injunctive relief.
2. Defendants’ motions are **GRANTED** to the extent that they seek to dismiss Winn-Dixie Plaintiffs’ claims against all defendants other than Defendant EMMC under Section 1 and Section 2 of the Sherman Act and Section 7 of the Clayton Act.

Accordingly, Winn Dixie Plaintiffs' claims are **DISMISSED** as to all Defendants with the exception of Defendant EMMC.

3. Defendants' motions are **DENIED** to the extent that they seek to dismiss Winn-Dixie Plaintiffs' claims against Defendant EMMC as being untimely.

Winn-Dixie Plaintiffs may file an Amended Complaint to the extent they are able to plead sufficient factual allegations to state a claim against any of the dismissed Defendants in accordance with the standard set forth in *Twombly* and *Iqbal* on or before **Tuesday, January 22, 2019**.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Berle M. Schiller', followed by a long horizontal stroke.

Berle M. Schiller, J.